

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86/2

758 SCOMM23: TITLE 29 POLICY REVISION ADVISORY COMM. 1980

CITY OF FAIRBANKS

ALASKA
99701

CHARLES M. GIBSON
CITY ATTORNEY
BRETT M. WOOD
DEPUTY CITY ATTORNEY

HERBERT P. KUSS
DEPUTY CITY ATTORNEY

MICHAEL P. McCONAHY
ASSISTANT CITY ATTORNEY



Legal Department
410 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
907-452-1881
August 5, 1980

*passed out
to Policy Group
Nov. 11, 1980*

Ms. Ginny Chitwood
Executive Director
Alaska Municipal League
204 N. Franklin Street
Juneau, Alaska 99801

Dear Ginny:

New 29.42.150

I am taking this opportunity to write to you concerning several matters which I would thank you to transmit to the committee studying the revision of Title 29.

First, at a recent city council meeting, there was a matter on the agenda concerning the vacation of a certain street in the city which had come to the council with a recommendation from the Borough Planning and Zoning Commission that the vacation of the street be permitted. Because of the time constraints in Section 29.33.220 requiring action by the council within 30 days from the decision of the Commission in which to veto that decision, the council was required to act upon the matter with what they considered to be insufficient information to properly consider the proposal. As a result of this incident, the council reviewed the provisions of Section 29.33.220 and directed me to bring this to your attention for action by the Title 29 revision committee. The last two sentences of this Section (29.33.220) state:

The assembly or council shall have 30 days from the decision in which to veto the board's decision. If no veto is received by the board within the 30-day period, the consent of the city or borough shall be considered to have been given to the vacation.

It was the feeling of the council that in matters as important as a vacation of a city street, it should require affirmative action, rather than silence, to constitute consent. With that in mind, I respectfully submit the following language, or some variation of it, in place of the last two sentences of the section as it is now written as follows:

The assembly or council shall have 30 days from the date that the board decision is received by the assembly or council within which to consider the proposed vacation. If the decision of the assembly or council is not received by the board within the 30-day period, then the council or assembly shall be deemed to have vetoed the proposed vacation.

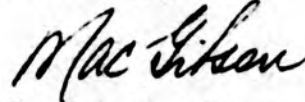
In this way, it would be much easier for the petitioners seeking the vacation to submit a new petition than it would be to have the council or assembly reverse the effect of its failure to act as is now the situation.

Mayor Wood has requested me to seek the committee's consideration of revising the applicable provisions of Title 29 so as to allow a home rule city to enact and implement certain tax incentive measures for the promotion of residential and industrial development within the municipality. As we read the present provisions of Chapter 53 of Title 29, Sections 10 through 350, and 400, there are certain required exemptions as set forth in 29.53.020(a) through (i), none of which would cover the type of tax incentives which the mayor has in mind. Also, the optional exemptions and exclusions in Section 29.53.025, as amended through 1979, are not broad enough to allow the type of residential and industrial tax incentives which he feels are necessary to stimulate economic activity within the community. Subsections (f) and (g) afford some relief in the residential area of concern, but again are not sufficiently broad in scope to permit the provisions that we wish to consider for such legislation. In addition, it is our opinion that the required and optional exemptions and exclusions set forth in Chapter 53 of Title 29 are exclusive, and as such, would not permit a home rule municipality to enact tax incentives for industry which we feel would be desirable. Rather than set forth a statutory scheme to cover a myriad of available or innovative incentives, it occurs to me that it might be more desirable to specifically exempt home rule cities from the provisions of Section 29.53.025, and rather than have the exemption by silence, to insert language in any revision thereof indicating home rule cities to be exempt from these provisions and subject only to constitutional provisions in the taxation of real property situated within the corporate limits.

I would appreciate it very much if you would transmit these suggestions to the committee.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Mac Gibson".

Charles M. Gibson
City Attorney

CMG:bc

NATIVE VILLAGE OF TYONEK, ALASKA
INCORPORATED
TYONEK, ALASKA 99502

MANAGEMENT OFFICE
1675 "C" STREET - ROOM 246
ANCHORAGE, ALASKA 99501

RECEIVED

October 29, 1980

NOV 3 1980

Mr. Bob Lohr
Rural Alaska Community
Action Program
P.O. Box 3-3908
Anchorage, Alaska 99501

Dear Bob:

I have just learned that you needed some input, from small communities, concerning the problems they are experiencing, from Villages to Municipalities. We the people of Tyonek, are governed by the I.R.A. Council, we offer Municipal type services.

1. Road Maintenance, with a Grant from Bureau of Indian Affairs.
2. Water System, from Public Health Services.
3. Waste Disposal, from Kenai Borough Etc.

Before, we got these Grants, we payed for our own services, What the problem.? We have governed our own people, since we were Incorporated in 1936. under the Indian Reorganization Act. then ANSCA came along, and everyone forgot about the I.R.A., something has to be done, because we are still active, but no land base to govern. We aren't considered as a municipality, but yet in fact we are, I would recommend very highly that we could be reconized as a municipal government. yet we have the problems of Non-Natives, Historically we have excluded Non-Natives, based on what is called Rule No. 4. We do not discriminate, but we like to live by this rule, simply because it prevents outsiders from coming on our land to sell illegal things, and also because of this rule, we do not have any Bar's, or any controlling interests, we must remain under the I.R.A. Council, in order for us to survive. To become a Public Municipality would mean death to our Culture, and eventually to our land. We would like to share the States money, but we wouldn't sell our people out for money.

Sincerely,



Donald Standifer, President
of The Native Village of Tyonek.

cc: Enclosure

TO WHOM IT MAY CONCERN:

We, are not yet ready to form a Municipal Government for reason's that there isn't enough Industry to create enough job's, to pay Taxe's. Light Bill's, Water Sewer, and Waste.

We, have a lot of elderly people and, some disable that would'nt be able to live on what little Welfare they get.

The problem's we have today, are mostly that, we are tied to a Borough of which we don't have any ties. All our Business are in Anchorage, Alaska. our mail, Grocie's, Hospital, all comes thru Anchorage, the only ties we have with Kenai, is the School.

We, cannot get any Grant's out of Community and Regional Affair's without going thru, the Kenai Borough, which mekes it hard for us as there is, so much Red Tape, and being a Small Village, we are always left out of Grants. Before Grants are approved to the Borough, its Citys already have their Grants written, they already know that certain Grants are being approved, as we dont know until, the monies are all spent. We are not kept up to date on any Grants, that comes to the Borough.

In 1978, a Grant of \$100,000.00 was approved by the State Legislature to upgrade our Airstrip, we had to turn this grant down, because it had so much strings attached, Such as opening the Airstrip to the Public. To the Public is ok, if they would pay Fee's Etc. but everyone feels that since, they are Tax Payers they should have excess to the Airstrip, since they pay their taxes. It cost us thousands of dollars to maintain the Airstrip, Up grading, Light, and Power, Snow Removal, of which we use our own Equipment and Fuel, Pay our own men to do the necessary work. We recently used some funds from R.D.A. Rural Development Administration, and charged landing fees, although we spent all our monies as stated above, we had to argue with Aircraft Owners over landing fees, and we were accused of trying to shoot people Etc. Its not fair to us to spend all this money to keep up the Airport and not be able to charge landing, and Parking fees, we pay taxes to.

We get grants from the Bureau of Indian Affairs, such as Jonson O'Malley, Self-Determination Act, Title 4 Bilingual, and Cultural. All these Grants, are below living costs, and at times are supplemented by our own funds, just to get someone to work. These Grants are a lot of Red Tape, and takes time to get, making it difficult to get people interested. C.E.D.A. Programs are so Red Taped that one almost have to be living in Poverty, before they qualify. If this is a Training Program it should be just that not a Welfare Program.

I, feel that we should be left alone, and let us decide our own destiny, and if we want to go into Municiple Type Government, we should be able to do it, at our own pace. There is this big problem of Non-Indians coming in, and taking over something that, we have worked for all of our lives, an those before us. We have kept our Traditional and Culture, which is so important to us, all these years and are not about to throw that out for someone else to benefit by. Kenai, Alaska was a nice and beautiful Village once, but they made a mistake by letting the Whites in, today all are staying outside of the Municipal City.

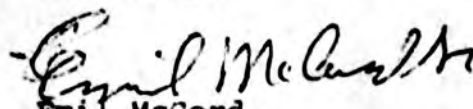
Page 2: Con't

TO WHOM IT MAY CONCERN:

This Village is the only one on the Cook Inlet with all Natives, and must be kept that way, if this Village loses then the State of Alaska loses one of its last Historic Area not only that, but the True Indian way of life. Millions of Dollars was spent to keep it, that Millions of our own money, and times we must not let it go.

On the other hand, in time with control, we can form a Municipal type of Government, but only with local control, all the Grants and Monies would be worth nothing, if we lost control, and outsiders took over our Village.

Sincerely,

A handwritten signature in dark ink, appearing to read "Emil McCord". The signature is stylized with a large, sweeping initial "E" and a long, horizontal stroke extending to the right.

Emil McCord,
Village Administrator

November 7, 1980

Timothy E. Troll
City Manager
City of St. Mary's
P.O. Box 163
St. Mary's, Alaska 99658

Dear Mr. Troll:

I have submitted copies of your letter to members of the Title 29 Policy Advisory Group so that they will be aware of your concern over AS 29.48.260. Your other comments which were originally sent to the Department of Community and Regional Affairs have been made available to the Title 29 Policy Advisory Group as well. Please send any additional comments which you have to me and I will see that members of the Policy Group receive copies.

I talked by phone with Mr. James N. Reeves on November 5, 1980. He indicated that he would like to address the Policy Group at the next meeting they hold in Anchorage. I will inform him of the meeting time and place as soon as it is set. Time is made available during meetings of the Policy Group to any person who wishes to address the group, so perhaps you would like to attend a meeting as well. I expect that the Policy Group will decide to meet again early in December and I will inform the group of your desire that the meeting be held in Anchorage.

Sincerely,



Tamara Brandt Cook
Legislative Counsel

TBC:maf

cc: Title 29 Policy Advisory Group
James N. Reeves

City of St. Mary's

P.O. Box 163
ST. MARY'S, ALASKA 99768

October 23, 1980

Tamara Brandt Cook
Division of Legal Services
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, Alaska 99811

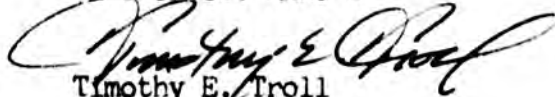
Dear Ms. Cook:

I would like to request that discussion of A.S. 29.48.260 be placed on the agenda for the first meeting of the Title 29 Policy Advisory Group in December and that myself and James N. Reeves be permitted to make a presentation on this provision. Presently Mr. Reeves and I are working on legal problems related to property in St. Mary's under a Community Legal Assistance Grant from The Department of Community and Regional Affairs. The first project we have undertaken under the grant is an analysis of 29.48.260 and changes that should be made for the benefit of rural communities. 29.48.260 is a very unmanageable statute for this and I suspect most other rural communities. I would consider the work of the Policy Advisory Group successful if it can effect a workable change in this provision.

Hopefully, the meeting will be held in either Anchorage or Bethel as the City cannot afford to send me much further.

Sincerely,

CITY OF ST. MARY'S


Timothy E. Troll
City Manager

cc. James N. Reeves
FAULKNER, BANFIELD, DOOGAN & HOLMES
Suite 510, 425 G. St.
Anchorage, Alaska 99501

P.S. I have also sent along copies of my other comments which I sent to Community & Regional Affairs. I never received acknowledgement of their receipt by the Committee

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

July 29, 1980

Department of Community and Regional Affairs
Pouch B
Juneau, Alaska 99811

Re: Recommendations for changes in Title 29
To Title 29 Policy Committee

Gentlemen:

At the request of Mayor Paukan I am submitting the following comments on some of the provisions of Title 29 that the City would like to see changed. The provisions I have commented upon are those that have proved somewhat troublesome during my duration as City Manager. There are no doubt many other provisions that require change.

29.23.570 VACANCIES: This year the City had one councilman leave town without resigning before departure. The City needed to fill the vacancy quickly. None of the provisions of 29.23.570 were helpful. However, 29.23.200 provides that a councilman who ceases to be a city voter immediately forfeits his office. The Council used this provision to justify filling the vacancy immediately. This provision of section 23.200 should be included under section 23.570

29.23.070 and 29.43.040 PLANNING, PLATTING AND ZONING: The mandatory language of this section should be permissive. The wisdom of comprehensive plans and complicated zoning requirements are still subject to professional debate and Cities should have the option to develop other methods of control.

29.48.190 BUDGET AND CAPITAL PROGRAM: Subsection (c) is unclear with respect to the procedures that must be followed to make transfer and supplemental appropriations. The language providing that no payment may be made except in accordance with appropriations may be troublesome in that it could be interpreted to give the City no leeway with respect to spending except through lengthy procedures to amend the budget. The suggested budget ordinance sent each year to municipalities by Community and Regional Affairs is more flexible and preferable but may not be legal under 29.48.190. This section should be changed to permit transfers without budget amendment if less than 10% or \$10,000 whichever is less of the original appropriation.

29.48.220 POST AUDIT: The audit requirement is burdensome for the City. As a first class city we are required to provide a certified audit of city finances. Second class cities need only submit certified financial statements prepared by the city bookkeeper. The City obtains little advantage and no tangible benefit from this requirement. The only people who review the audit are from DCRA. The audit requirement should not be tied to city class. Rather, the requirement should depend upon the size of the budget. It is the amount of money the city spends that justifies audits. Financial statements should be sufficient for cities with budgets less than one million.

29.48.260 MUNICIPAL PROPERTIES I consider this to be the most troublesome provision in Title 29 for rural communities. Through the Department of Community and Regional Affairs the City has requested an Attorney General's opinion on some of the requirements of this provision and has recently received a Community Legal Assistance Grant to determine the effect the statute has on land disposal in St. Mary's. First the requirement of appraisals on land before disposal are difficult when most rural land is difficult if not impossible to appraise because comparable sales do not exist. Public auctions may cause the price of land to escalate beyond the means of local residents to afford, and may inhibit local residents who do not speak english from participating in auctions. The words "if any" in subsection (c)(8) seem to indicate public auction or sealed bids are optional but this is not clear. Cities should have the option of developing disposal procedures appropriate to its locality. Such procedures should be ratified by the voters.

I can see no reason for subjecting leases of City land to the same requirements that attach to sales of city land. This unduly restricts the City's ability to make land available for new businesses.

It is not clear whether the exception developed in subsection (e) is free from the requirements of prior appraisal and public auction or sealed bid.

29.68.010 LOCAL BOUNDARY COMMISSION The City recently annexed an adjacent community into its boundary. In order to facilitate the annexation the City wanted to and did make major concessions to the citizens of the adjacent community with respect to a voice in City affairs. Technically what the City has done is not legal because the annexation is not finalized until 45 days after the next legislative session has begun. The delay in time between the decision of the Local Boundary Commission and the legislative disapproval time is unnecessary and can lead to legal complications.. Since the legislature has never disapproved a Boundary Commission decision it seems this requirement of submission to the legislature has little utility. A workable alternative might be to preserve a right to appeal a boundary commission decision to the legislature.

I am ~~delighted~~ to see the efforts to review Title 29. I hope it produces some beneficial results. I trust these comments will prove helpful.

Sincerely,

CITY OF ST. MARY'S

Timothy J. Troll
City Manager

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

OFFICE OF THE MUNICIPAL ATTORNEY

KETCHIKAN GATEWAY BOROUGH

AND

CITY OF KETCHIKAN

334 FRONT STREET

P. O. BOX 7300

KETCHIKAN, ALASKA 99901

(907) 228-3111, EX. 327

November 4, 1980

State of Alaska
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, Alaska 99811

Attn: Tamara Cook

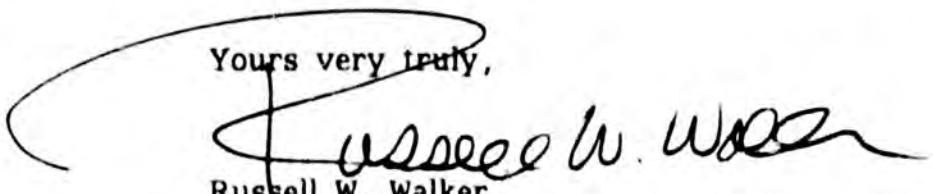
Re: Title 29 Review - Inclusion of Harbors and
Marinas under Extraterritorial Jurisdiction

Dear Tamara:

Please find enclosed a proposed amendment to existing Section 29.48.037 [Extraterritorial Jurisdiction] (new 29.33.020) to clarify the authority of municipalities to provide harbors and marinas outside their boundaries.

As we have mentioned, the City of Ketchikan has for many years leased from the State of Alaska, and operates and regulates, several small but important boat harbors and marinas outside the boundaries of the City.

Yours very truly,



Russell W. Walker
Municipal Attorney

RWW:sf

Enclosure

cc: City Manager
Ted Berns, Esq.
Lee Sharp, Esq.
Allen Tesche, Esq.
Jim Nordale, Esq.
Ginny Chitwood

Sec. 29.33.020. Extraterritorial jurisdiction.

(a) A municipality may provide parks, roads, trails, playgrounds, cemeteries, harbors, marinas, and airports outside its boundaries, subject to AS 29.33.010, and may regulate their use and operation. A regulation adopted under this section must state that it applies outside the municipality.

(b) A municipality may adopt ordinances to protect its water supply and watershed and may enforce them outside its boundaries. Before this power may be exercised within the boundaries of another municipality, the approval of that municipality must be given by ordinance. This section applies to general law and home rule municipalities.

Formerly: As 29.48.037

Comments: Expands existing law to include harbors and marinas as facilities a municipality may acquire, operate and regulate outside its boundaries.

Tanana Chiefs Conference, Inc.

Doyon Building
1st and Hall Streets
Fairbanks, Alaska 99701
Phone (907) 452-8251

RECEIVED
AUG - 5 1980
DEPT. OF COMMUNITY
AND REGIONAL AFFAIRS

August 1, 1980

Ms. Lee McAnerney
Commissioner
Dept. of Community & Regional
Affairs
State of Alaska
Pouch B
Juneau, Alaska 99811

Dear Commissioner McAnerney:

This letter is in response to your June letter requesting comments on the Title 29 Municipal Government Code Revision authorized under Senate Concurrent Resolution No. 66. As indicated by our prior correspondence, we are greatly interested in this area and wish to submit the following comments to be used in the Title 29 revision project.

RECOGNITION OF TRADITIONAL GOVERNMENTS

Local government in rural Alaska is extremely complex. This complexity is primarily due to the vast number of board, commissions, municipal corporations, ANCSA Native Village corporations, town site trusts, recognized entities for municipal trust lands, IRA councils, traditional councils, etc. For sometime TCC has been in favor of local government simplification. The problems of local government should not be addressed through the creation of new boards, commissions, corporate bodies, or new forms of municipal government. Rather, rural local government should be reorganized to utilize existing bodies and enhance those bodies. The introduction of new and novel forms of government may only lead to confusion as rural residents attempt to deal with their local governmental matters.

In connection with this policy of local government simplification, we believe it is important to fulfill the constitutional guarantee that the legislature shall provide for performance of services that it deems necessary or advisable in the unorganized borough and allow for maximum local participation and responsibility. This policy is substantially analogous to the federal policy of self-determination.

To meet these two basic policies, we feel it is necessary that the state of Alaska recognize the traditional governments which currently operate in Alaska. Such recognition will do several things. First, it will allow for the coordination of the funds currently available to local communities from sources other than the state, i.e., BIA, HUD, various CETA programs, etc.

To some degree this issue has already been addressed in the recognition of traditional governments for revenue sharing purposes. We feel, however, that more cooperation is needed between the state and these traditional governmental forms to fully realize maximum local participation and responsibility. To implement this, we favor such legislation as S.B. 565 introduced last session.

By extending such recognition to existing village and community organizations, we believe that rural government will be substantially enhanced. The recognition of such existing bodies will obviate the necessity for the specialized advisory committees, specialized service areas and boards and substantially contribute to local government simplification in the currently unorganized areas of rural Alaska. In addition, such recognition will fulfill the constitutional guarantee of maximum local participation and responsibility.

DECENTRALIZATION OF STATE SERVICES

It is sometimes difficult even for Alaskans to fully comprehend the geographical immenseness of Alaska. An appreciation of the sheer size of Alaska cannot be achieved through casual reference to a map. A full appreciation of Alaska's geographical size can only be appreciated by traversing this great land through conventional transportation systems. To the rural resident, this means being dependent on urban based state service personnel located at various sites throughout the state. Seldom is it possible for the rural resident to contact a state agency locally or even make a single phone call to a single urban government office to solve any problem. The urban Alaskan faces a similar problem in having to rely on state personnel based in other urban centers.

In both the rural and urban contexts, the root problem is the economy of scale. It is simply not economically feasible to establish free standing state agencies at the local level. The administrative cost to establish such programs would be enormous, but the need for decentralized state services is evident. State services should be available in the areas of need. State services should be available at a local level in all localities of the state to the extent that this is feasible. This problem can only be solved through the cooperation of local and state governments to provide maximum local services. This cooperation can be achieved by allowing the local governments to contract for the providing of state services. Basically, this will allow the merger of local and state program administration and allow a maximum amount of direct state financing directed toward program operations. Additionally, it is perceived that such cooperation would make the operation of state programs more responsive to local needs and desires.

It should be remembered, however, that the legislature under this theory will retain ultimate policy decision-making authority. It is only the administration of state and local programs which will be affected. Additionally, it should be recognized that not all state programs can be effectively decentralized, nor is it desirable that all state programs be decentralized. Rather, it is important that those state programs which are technically capable of being decentralized and for which there is a stated need and desire for local program operation should be decentralized through contracting.

LOCAL GOVERNMENT CONSORTIUMS

During the last legislature, several bills were produced out of the interim work of the Senate and House Community and Regional Affairs Joint Local Government Study of 1979. These bills recognized the need for coordinated regional planning.

Last February, TCC submitted comments on this legislation. At that time, we stated that existing local governments should be used as much as possible and that regional concerns can best be addressed through consortiums of existing governments.

Consortiums are advisable for a number of reasons. First, they would be entirely voluntary. The committee hearings fairly indicated strong opposition to "mandatory" regional organization. Second, consortiums could easily coordinate existing programs allowing for current program and plan continuity. Third, a consortium would not create a new independent regional entity and, thus, it would be possible to avoid the type of intergovernmental conflicts which characteristically exist between boroughs and included cities. Finally, the consortium would be governed by a flexible agreement between communities. Such agreements could be flexible enough to address unique regional variations found within each area. In addition, a community's participation would be voluntary, and, therefore, presumably supported by the local community.

The arrangements which we propose are currently authorized under Article X, §13 of the Alaska Constitution which allows local governments to enter into compacts for the joint administration of functions and powers. What is needed is clarification of the permissible scope and impact of these agreements, and new legislation which would allow such consortiums to jointly exercise authority outside of their existing local boundaries.

Conceivably, these consortiums would do three things. First, they would provide for coordinated administration of local governments. By splitting costs and sharing staff, the consortiums could provide a higher quality of service at a reduced cost, where the fragmented governments that now exist cannot operate. Second, the consortiums could address regional concerns, provide a forum for expressing those concerns, and advise state agencies on regional needs and desires.

Third, they would jointly exercise those powers which they agree to jointly exercise outside their current respective boundaries, or within existing boundaries, upon consent of the respective municipal governments.

STATE SUPPORT OF LOCAL AUTHORITY

There are a number of disincentives to a rural municipal government which wishes to exercise its municipal authority. For example, a rural community which passes an ordinance, may not be able to enforce it. If a city attempts to enforce its ordinances, it is subject to substantial liability under current tort law. Where a civil plaintiff or criminal defendant often have free legal assistance available, a city has severely limited funding available to enforce its ordinances or defend against civil complaints. If a city loses a civil suit, the resulting judgment could bankrupt the city or substantially incumber future revenues. In this atmosphere, it is impossible to expect a responsible city official to fully exercise the local government functions.

It is important that the state assist rural municipal government if it is to succeed. Many of the problems can be addressed in Title 29 itself. For example, municipal liability can be reduced to acceptable levels by enactment of a rule raising the standard of municipal tort liability for only those official acts involving "wanton and willful" conduct rather than mere negligence alone. Municipal ordinances and regulations can be assimilated into state law to allow state prosecution of local violations. Such assimilation could be dependent upon compliance with a model municipal code enacted by regulation or dependent on approval of the attorney general's office or Department of Community and Regional Affairs. Communities enacting nonapproved regulations and ordinances, however, should still be able to enforce them in the conventional manner.

Initially, such a system seems expensive to implement. It should be noted, however, that the state is expanding its criminal justice presence in rural Alaska. The proposed Bush Justice Corrections Plan would provide the basic infrastructure required by the above model. In light of these developments, the above model is a minor addition to the planned infrastructure.

IMPLEMENTATION OF LOCAL INPUT

Often local governments and state agencies are not coordinated. Most notably, state land disposals have often conflicted with local land use/development plans. State law generally favors local control or at least local input in the organized areas of the state. In the unorganized areas of the state, however, the state agencies seem to dominate. This exists in spite of the constitutional promise of maximized local participation. We, therefore, propose that some mechanism be inserted into law to provide for fuller local participation.

Page 5
August 1, 1980

Three alternatives exist. First, an administrative restraint may be placed on agencies' actions. Specifically, a community or consortium must agree to agency actions/plans affecting the community or consortium. In the absence of such consent, the agency would have to show, in a locally neutral administrative hearing, that the best interest of the state requires such agency action/plan.

A second alternative would be a planning restraint on the agencies. The communities or consortiums would produce regional plans with which the agencies must comply. Without compliance, the agencies would have to get a waiver from the community or consortium or proceed through a local neutral hearing.

Third, a political mechanism could be established. State law could require agencies to have local plans/actions approved by a local hearing officer at a local hearing. This would allow affected communities and consortiums an opportunity to provide input and hopefully influence agency actions in their areas.

We hope that you find the above comments useful, and that these concerns find their way into the planned Title 29 revisions. We will be glad to respond to any questions regarding the above proposals and plan to augment these comments as needed.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.



William C. "Spud" Williams
President

WCW/4877m
113a11

HAINES BOROUGH

P.O. BOX H
HAINES, ALASKA 99827
(907) 766-2711

December 31, 1980

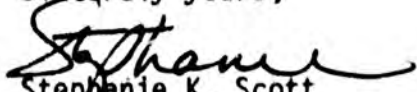
Senator Arliss Sturgulewski
2957 Sheldon Jackson Street
Anchorage, Alaska 99504

RE: Correction to December Title 29) Commission Minutes

Dear Senator Sturgulewski:

On page 3 of the minutes of the December 15, 16 and 17th Title 29 Revision Commission meeting it is stated that the technical committee was directed to bring back wording to allow the transition from any class of city to home rule. I am under the impression that the technical committee was directed to bring back language that would allow the transition from any class of borough or city or unincorporated area to home rule. Discussing the motion to eliminate third class boroughs and to grandfather the Haines Borough, Terry Cook emphasized his desire to see legislation developed which would allow transition from any class of borough or city to home rule. The direction to the technical committee followed this discussion and I do think it included transition of any class of boroughs as well as cities to home rule. Perhaps a double check of the tape would clarify this issue.

Sincerely yours,


Stephanie K. Scott
Administrative Secretary

xc: Tamara Cook ✓
Legislative Affairs

Millisa Fawset

CITY OF BARROW

"Farthest north incorporated city"
BOX 629
BARROW, ALASKA 99723
PHONE (907) 852-5211

December 10, 1980

Senator Arliss Sturgulewski
Assembly Bldg.
Room 100
Juneau, Alaska 99811

Re: Title 29 Revisions

Dear Arliss:

I would like to submit the following comments for your consideration, regarding Title 29 of Alaska Statutes and its revisions.

It appears to me, that we here on the North Slope have our own unique situation, in that we are within a home rule Borough and are a first class City operating within that Borough. The Borough seat is headquartered in our City. The City has minimal powers left and does not have a property tax.

Many times, in attempting to provide new, or upgrade existing services and/or facilities, we have been hindered or stopped by lack of co-operation by the Borough. When we turn to Title 29 and cite the appropriate authorizations to undertake a particular venture we are stopped time and time again by the Borough explanation that Title 29 doesn't relate to them except as noted in Section 29.13.100. To help alleviate this problem, I would like to see Home Rule Boroughs bound by the Sections in Title 29, unless otherwise so noted in a particular section. Home Rule Boroughs would be allowed to carry on their municipal functions beyond that in Title 29, but they would be bound by all sections of Title 29. This approach is directly opposite than the one currently ruling the conduct of Home Rule Boroughs. Cities would still be limited as to what they could do ---specifically, that which was authorized in Title 29.

In reviewing Title 29, I would like to bring to your attention some of the sections that we have dealt with that have caused us some difficulties or confusion.

Section 29.23.270 Veto (a) The mayor of a first class city may veto any ordinance, resolution, motion, or other action of the council and by veto, strike or reduce items in appropriation ordinances except, in a city outside an organized borough, for school budget items. He shall submit to the council at its next regular meeting a written statement advising of his veto and giving his reasons. A veto is overridden by the vote of two-thirds of the authorized membership of the council.

The part about "he shall submit to the council at its next regular meeting a written statement advising of his veto and giving his reasons." leaves it unclear when a veto is made, is it a verbal veto at a meeting where the action takes place

or is it the written veto at the next meeting that puts a veto in effect. If so, does the council action stand until the written veto is presented at the next meeting. Again, if that is the case, what happens when the mayor wants to veto an action but the course of action sought by the council will have all ready taken place before the veto can be placed before the council at their next meeting.

29.23.570 Vacancies. An elected municipal office is vacated under the following conditions and upon the declaration of vacancy by the assembly or council. The assembly or council shall declare an elective office vacant when the person elected

(6) misses three consecutive regular meetings unless excused;

I think that some guidelines should be mentioned as to what is excused or unexcused, i.e. failure to notify the city office that they will be unable to attend, off on a campaign tour for another elected office.

Initiatives and referendums: There should be a submittal deadline for invitations and referendums that wish to be considered on an upcoming general election 15 days, 30 days, 45 days, 60 days prior to the election. If all the procedures, protests and appeal time lines were allowed for it might look something like this:

Absolute deadline if an initiative or referendum is to be placed on the Ballot (to allow for printing)		15 days
<u>Section 29.28.073</u> (a)	City Clerk has 10 days to certify petition	10 days
(b)	Petitioners have 10 days to correct insufficient petition	10 days
(c)	Clerk has 10 days to certify corrected petition	10 days
<u>Section 29.28.075</u>	Petitions have 7 days to file protest with Council	7 days
	Council to decide appeal at next meeting (14 days for Council 30 days for Assembly; for sake of uniformity use 30 day Assembly timeframe)	30 days
Total days required for process		82 days

In the current Title 29, the initiative/referendum section doesn't apply to Home Rule Municipalities and the North Slope Borough has no provisions for initiatives or referendums in their Code of Ordinances. The North Slope Borough charter outlines the basic initiative/referendum requirements. However, the charter goes on to say the initiative/referendum procedures must be established by Ordinance, of which there is none.

It would make life much simpler if the requirements, format, and timelines for all petitions were standardized.

Section 29.33.030 Assessment and Collection. Boroughs shall assess and collect property, sales, and use taxes levied within their boundaries, subject to Chapter 53 of this Title. Taxes levied by a city and collected by a borough are returned in full to the levying city.

This Section doesn't apply to Home Rule Boroughs so technically speaking, a Home Rule Borough could tell any of the cities in its jurisdiction that it will no longer collect the cities taxes. In our area this would place an undue and perhaps backbreaking burden on some of our communities.

Section 29.33.110 Board of Adjustment. (a) The assembly is the board of adjustment for areas outside cities. The City Council is the board of adjustment for the area within the City boundaries but may delegate by resolution or ordinance part or all of its functions to the borough, subject to § 70 (b) (1) of this chapter, in addition to making delegations as provided for an assembly under § 245 of this chapter. Meetings of the borough board are held at the call of the presiding officer and of the city board by the Mayor. The presiding officer or Mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public and the board shall keep minutes of its proceedings as a public record.

The rationale behind this escapes me, but again it doesn't apply to Home Rule Boroughs. It would be very interesting if our City Council could act as the Board of Adjustment within our City, instead of the Borough Assembly.

Section 29.48.030 Municipal Facilities & Services. (a) A municipality may exercise the powers necessary to provide the following public facilities and services:

We have had several problems with this and Section 29.48.035 Regulatory Powers.

The question has arisen about whether or not when you transfer a power under 29.48.030 you also transfer any regulatory powers that might be associated with the power transferred, especially if the regulatory power is mentioned in 29.48.035.

Where we have run into our biggest problem is when we transfer a power under 29.48.030, such as police powers, where we transfer a power complete with enforcement ordinances, and the Borough refuses to exercise the enforcement ordinances. Furthermore, the Borough sees no need in enacting ordinances of their own. To us, this seems like we receive a lower level of service than we had before. We have presented this problem to the State and their opinion is that City ordinances transfer with the power until amended, repealed, or a new Borough

Ordinance supercedes the transferred City ordinance. The Borough says they don't quite see it that way. However, they will enforce the City's ordinances, as their priorities allow, and we will have to prosecute in Court. This is the same procedure they use with the State. They will enforce State Statutes and the State is responsible for prosecuting in Court. Since the Borough doesn't have any ordinances to enforce, they don't have to worry about prosecuting costs for the Borough. A cost that is prohibitive to the City. From our standpoint, we would like to see it made mandatory, that when a power is transferred, so is the responsibility for accepting and enforcing any associated ordinances until such time as the Borough amends or implements new ordinances.

I'm sure that it would have to be explored in greater detail, but, perhaps a mechanism should be developed through which a City could have a power returned to it by a Borough.

Section 29.48.150 Ordinance Procedure. (a) The following procedure governs the enactment of all ordinances except emergency ordinances. An ordinance may be introduced by a member or committee of the assembly or council or by the municipal executive or chief administrator. An ordinance shall be set for hearing by the affirmative vote of a majority of the votes authorized on the question. A summary of the ordinance and its amendments is published together with a notice of time and place for public hearing. The hearing follows publication by at least five days. Copies of the ordinance must be available to all persons present or the ordinance must be read in full. The assembly or council shall hear all interested persons wishing to be heard. After the hearing, the assembly or council shall consider the ordinance and may adopt it with or without amendment. The assembly or council shall print and make available copies of adopted ordinances.

We would like to see a better definition of published, as called for in this section. Perhaps in rural areas, publishing could be accomplished by posting around town, often times it is unrealistic for a remote rural area to publish a notice in a Fairbanks or Anchorage paper. Especially since the newspaper might not reach the village until after the meeting has been held.

The publishing requirement should remain the same for Boroughs, as their level of sophistication and operations are on a much higher plane.

Section 29.48.26 Municipal Properties. (c) The assembly or council shall by ordinance establish a formal procedure for the sale, lease or disposition of real property or interest in real property. The ordinance shall require (1) an estimated value of the property by a qualified appraiser or the assessor; (2) a notice of sale published in a newspaper of general circulation distributed within the municipality at least 30 days before the date of the sale, lease, or disposition, or posted within that time in at least three public places in the municipality; (3) public auction or opening of sealed bids, if any; and (4) other terms and conditions fixed by the assembly or council. However, no ordinance for the sale, lease, or disposition of real property or interest in real property valued at \$25,000. or more is valid unless ratified by a majority of the qualified voters

voting at a regular or special election at which the question of the ratification of the ordinance is submitted. Thirty days notice shall be given of the election and during that period the assembly or council shall have published at least once a week in a newspaper of general circulation distributed within the municipality a notice stating the time of the election and the place of voting, describing the property to be sold, leased or disposed of, giving a brief statement of the terms and conditions of the sale and the consideration, if any, and stating the title and date of passage of the ordinance. Notice shall be given by posting a copy of it in at least three public places in the municipality at least 30 days before the election. If no newspaper of general circulation is distributed within the municipality, the notice given by posting is sufficient for the purposes of this section.

The rationale behind this is somewhat understandable, but the reason for the \$25,000. figure is hard to visualize. Again, in our area \$25,000. is a lot of money, but at the same time it isn't. If we had to go to a special election every time we wanted to lease some property in excess of \$25,000. we would begin to incur additional expenses and waste a lot of time. Especially when you consider we probably wouldn't get a voter turn out of over 150 people.

Section 29.53.360 Deed to Borough or City. (a) Unredeemed properties in the area of the borough outside cities are deeded to the borough by the clerk of the court. Unredeemed properties within a city are deeded to the city subject to the payment by the city of unpaid borough taxes and costs of foreclosure levied against the property before foreclosure. The deeds shall be recorded in the recording district in which the property is located.

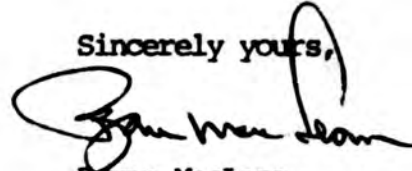
We have approached the Borough on this and their response is, that since the City has no property tax, we have no interests in any such property and therefore, this Section doesn't apply to us. Furthermore, the North Slope Borough isn't bound by this section anyway.

Section 29.68.240 Unification of Local Governments. An organized Borough and all cities within the Borough may unite to form a single unit of Home Rule local government by complying with this chapter. This section doesn't apply to Home Rule Boroughs. Therefore, a Home Rule Borough couldn't legally unify with its cities. Or could it, as there is nothing in Title 29 saying that it can't. However, the cities would have to follow the provision in 29.68.240. So any provisions a Home Rule Borough would want to incorporate into their unification procedures would have to include the provisions in 29.68.240 so it would be just as easy to make Home Rule Boroughs subject to 29.68.240 and avoid a lot of confusion.

Senator Arliss Sturgulewski
December 10, 1980
Page Six

At the AFN Convention I picked up a copy of some of the proposed changes for Title 29. Unfortunately, I have misplaced these and it wouldn't surprise me too much if some of my comments have already been addressed. The revision of Title 29 is long overdue and I appreciate the opportunity to be able to provide some input into the program. If I can be of further service, please don't hesitate to contact my office.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Bryan MacLean". The signature is fluid and cursive, with a large loop at the beginning and end.

Bryan MacLean
City Manager

December 10, 1980

Ms. Cook,

Lee indicated that you may be making multiple copies of his letters to Senator Sturgulewski. Our copy machine does not make good copies for reproduction, so I have made you an additional original copy with Lee's signature typed in and you may wish to use that copy for reproduction.

Joyce Rutschman
Secretary

*Copies
to Policy
Group.*

*M. Expect to prepare handout packages
like the ones last time.*



THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST.

JUNEAU, ALASKA 99801

LAW DEPARTMENT (907) 586-3300

December 9, 1980

The Honorable Arliss Sturgulewski
Senator, State of Alaska
Chairman, Title 29 Revision Policy
Committee
2957 Sheldon Jackson Street
Anchorage, Alaska 99504

FILE: Title 29 Revisions

SUBJECT: Initiative and Recall

Dear Senator Sturgulewski:

In reviewing the changes which the Policy Committee made to the proposed initiative and referendum proceedings, I note that a municipality will now be required to hold special elections for initiatives. Present law requires that initiatives be filed within 90 days of the next regular municipal election. This requirement eliminates the need for the municipality to ever have to hold a special election on an initiative. However, there seems to be little reason not to allow petitioners to file an initiative at any time they please so long as the municipality is not required to undergo the expense of special elections. It was this approach which the Technical Committee suggested.

The Legislature has seen fit to provide an initiative procedure at the state level which does not permit the filing of an initiative petition to generate the requirement for a special election. Further, an initiative petition could be filed with the State and not be placed on the ballot for almost two years. Municipalities have elections each year. If they are required to place initiatives on the next occurring regular or special election, initiatives at the local level will be voted on, in all cases, much more quickly than at the State level. If the State cannot be put to the expense of a special election for an initiative, it seems inappropriate to force municipalities to undergo the expense of special elections for initiatives.

I also believe that if a referendum is filed, no special election should be held unless the referendum has been filed in such a

December 9, 1980

manner that the effect of the measure to be referred is suspended.

For the foregoing reasons, I strongly suggest that the Committee consider changing the election requirements for initiative and referendum to provide that initiatives are placed on the first regular or special municipal election held not sooner than 75 or 90 (or some other reasonable time) days after the initiative is submitted to the Legislative body. I would suggest that a referendum be treated in the same manner unless the filing of the referendum operates to effect a suspension of the matter to be referred. In such cases, a special election should be held if required.

Sincerely,

/s/ Lee Sharp

Gerald L. Sharp
City-Borough Attorney

GLS:phl

cc: Tam Cook, Esq.
Legislative Affairs



THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

LAW DEPARTMENT (907) 586-3300

December 9, 1980

The Honorable Arliss Sturgulewski, Senator
Chairman, Title 29 Revision Policy Committee
2957 Sheldon Jackson Street
Anchorage, Alaska 99504

File: Title 29 Revisions

Subject: Recall

Dear Senator Sturgulewski:

At the meeting held by your committee in Fairbanks just before the Alaska Municipal League meeting, a great deal of debate focused on the question of whether the grounds for the recall of a local official should be narrowly or broadly drawn. Mayor Larson requested from me a defense of narrowly drawn grounds and other procedures designed to provide the elected official with some measure of protection. Please consider this letter as that defense.

Many features of our democratic system of government are accepted as basic and necessary to the system. These ascertions are seldom examined critically as it is unpopular and distasteful for any one to seriously undertake criticism of what is popularly perceived to be the underpinnings of our democratic form of government. Recall is one such uncritically examined element of our democratic system of government.

First, we should note that our system of government is not a pure democracy but it is rather a democratic republic. Article IV, Section 4 of the U.S. Constitution guarantees to each state a republican form of government, not a democracy. That Constitution provides for neither an initiative or recall. Throughout the history of the United States, the states themselves have not universally provided for recall.

The upsurge of recall provisions came about during the government reform movement. While recall may be viewed as a procedure which strengthens democratic principles, it clearly accentuates one of the greatest weaknesses of the democratic system - its vulnerability to popular but ill-conceived whims of the public and its manipulation by a minority.

The Greek philosopher who first categorized the various forms which government could take, and who gave democracy its name, rated

democracy rather low as a form of government which would best serve the needs of its subjects. Being subject to the whims of a relatively uninformed populace made a democracy ill suited to consistently serve the needs of the public. The Federalist Papers and the U. S. Constitution clearly show that the thoughtful leaders of our country who drafted our Constitution had severe reservations about the democratic form of government and sought to overcome those perceived deficiencies. They provided us with an electoral college which, they hoped, would have the collective wisdom necessary to select a statesman worthy and capable of discharging the duties of President of the United States. They did not provide for his direct election by the populace as would have been the more "democratic" method. They provided us with two houses of Congress, one of which would be based upon population and which might reflect popular sentiment and a second house which would provide equal representation to all the states. This second house, it was hoped, would provide the mechanism for preventing the enactment of popular but ill-conceived measures. A further check upon both of these houses was given to the President who could veto measures he believed were inappropriate. The drafters of our Constitution believed that these and other checks, along with the probability that various interest groups would form different coalitions on different measures, would combine to overcome one of the more serious defects of the democratic form of government. They apparently did not feel that recall was either necessary or desirable. In fact, I suggest that the "open season" type of recall which has been proposed for Title 29 is contrary to the very principles which are reflected in our Constitution and the philosophy of those who drafted it.

Under our republican form of government, an elected official does not serve as a mere extension or agent of those who elected him. The elected official is expected to exercise his informed and considered judgment in providing for the public good. If it were reasonable to believe that the public could become adequately informed on all the public issues which face a legislative body, then it might also be reasonable to assume that the general public could also function in the manner of a town meeting and decide all public issues. Because few of us are able to devote the time necessary to become so informed, we delegate to our elected officials the responsibility to become adequately informed and to make decisions as to the public needs. If the public is dissatisfied with a policy decision made by public officials, the initiative and referendum may be used to correct what are perceived to be errors of decision making. When recall is used in such cases, it is not corrective in nature, it is vindictive and punitive.

As already noted, recall was a concept which became popular during the reform era. It was aimed not at governmental bodies which had

made decisions which were unpopular with various segments of populace but was aimed at corrupt individuals. The public good demands that persons be removed from office who are corrupt or dishonest in office, who fail to perform prescribed duties of the office or who are physically unable to perform the duties of the office. If there is no administrative or judicial procedure for removing such persons from office, it would be appropriate to provide a method for the electorate to effect such a removal. However, any such system should be strictly limited to removals for corruption, dishonesty affecting the public good, and inability or refusal to perform the duties of the office. It would be an abuse of the recall mechanism to permit recall of an elected official merely because the official had participated in making a decision which was unpopular with a large segment of the public. Any controversial matter is likely to be unpopular with a large segment of the public and public officials should not have the threat of recall hanging over their heads whenever their honestly held convictions compel them to vote in a certain manner. Unfortunately, a review of recall efforts will reveal that most, if not all recall efforts, are actually based upon an action taken by the entire body and have little or nothing to do with any of the legitimate grounds for recall. To make matters worse, the proponents of the recall often resort to slander or grossly exaggerated accusations in their recall petition.

It cannot be denied that there is currently a movement in the direction of single issue politics. When there are groups about which openly flaunt their "hit list," it behooves us to examine the elements of our political system in light of this new phenomenon. A recall provision which requires merely that someone be dissatisfied with an elected official's performance amounts to a declaration of open season on all elected officials. If the recall mechanism can be called into play for essentially no reason at all, the quality of persons who will run for public office will suffer as will the basic decision making process itself. At the municipal level, once a recall petition has been placed in circulation, and even more so after it has been filed, the proponents of the recall often become very forceful and vocal in airing their belief that the governing body should cease making important decisions until after the recall matter has been settled. As local elected officials are not insensitive to public demands, such demands do have an impact on the elected body. Unnecessary delay in decision making coupled with an overemphasis on the recall petitioners' position on matters before the body may combine to produce results which are not in the best interest of the public. The tension and turmoil which a recall petition creates within the elected body and the community is an undesirable but, nevertheless unavoidable, effect of a recall attempt. Therefore, every effort should be made to minimize the unnecessary exposure of a municipality to these effects. The "open season" type of recall will serve to maximize the number of occasions upon

which the local government will experience these effects. These negative effects can be minimized without destroying the right of recall if the grounds for recall are narrowly drawn to limit them to matters such as corruption in office and inability or refusal to perform the functions of the office. Not only does this narrow the grounds to those which are truly relevant to the purpose of recall but it also would reduce the ease with which a recall effort could be mounted against several members of a governing body based upon the way the body had voted.

Not only must the grounds be drawn narrowly to insure that the recall mechanism is not abused but the recall system should clearly provide for judicial review of the grounds stated. Failure to provide a clear right of judicial review renders the requirement for clear and narrow grounds a nullity.

Before any group should be permitted to force the public to undergo the expense of an election, there should be a very substantial showing that the public is indeed interested in voting on the proposed issue. Therefore, there should be a substantial signature requirement. Under state law, those seeking a recall petition for a state official must first submit an application containing the signatures of at least 10% of those who voted in the last election in the relevant district. If the Lieutenant Governor determines that the application is sufficient, a petition is issued and the petitioners must then obtain signatures equal to at least 25% of those who voted in the last general election in the relevant district. Thus, at the state level the legislature has provided for a recall system which places a significant burden upon the petitioners and thus may well filter out most of those recall efforts which would be unsuccessful. In addition, the grounds for recall (lack of fitness, incompetence, neglect of duties, and corruption) are all narrow enough that the political philosophy or the way a person voted would not be a sufficient basis for a recall. Further, the legislature has clearly provided for a mechanism for judicial review of a determination by the Lieutenant Governor.

Recall is not a matter to be taken lightly and is not one which should be easily initiated or carried out. A political system which provides for the relatively easy recall of an elected official for reason of the way that official voted on a particular matter is a system which has lost one of the essential characteristics of our republican form of government. We should not cater to the fickleness of the electorate if to do so would tend to reduce the effectiveness of local government without some significant, compensating good. Our system of government will function most smoothly, most effectively and for the benefit of the general good if we provide for a recall system with narrowly drawn grounds and with other mechanisms which are designed to prevent the abuse of the recall system. The "open season" system brings with it disruptions

Senator Sturgulewski

-5-

December 9, 1980

which serve no legitimate or public purpose. The "open season" approach should be abandoned.

Very truly yours,

/s/ Lee Sharp

Gerald L. Sharp
City-Borough Attorney

GLS:jr

cc: Mayor Ron Larson
Mat-Su Borough

Tam Cook, Esq.
Legislative Affairs

OFFICE OF THE MUNICIPAL ATTORNEY

KETCHIKAN GATEWAY BOROUGH

AND

CITY OF KETCHIKAN

334 FRONT STREET

P. O. BOX 7300

KETCHIKAN, ALASKA 99901

(907) 225-3111, EX. 327

MEMORANDUM

TO: All members of Title 29 Technical Committee;
Tamara Cook;
Palmer McCarter

FROM Russell W. Walker
Ketchikan Municipal Attorney

RE:  Title 29 Review; Inventory of other
statutes, requirements and provisions
applicable to Municipalities

DATE: November 4, 1980

As you will recall, several members of the policy committee and also the technical committee have expressed an interest in inventorying other statutes and provisions applicable to the activities of municipalities and referencing or at least footnoting these provisions in the revised Title 29 to assist managers, clerks, attorneys and other public officials in complying with the requirements of the code, particularly in the more remote areas.

In furtherance of the above, we have prepared and enclose herewith a preliminary list of such provisions and would appreciate your noting any additional references to provisions applicable to municipalities of which you are aware to assure the compilation is as complete as possible.

RWW:sf

Enclosure

INVENTORY OF OTHER STATUTES, REQUIREMENTS
AND PROVISIONS APPLICABLE TO MUNICIPALITIES:

(1) 09.55.275: Eminent Domain. Municipalities and the State must submit a preliminary plat of a proposed acquisition resulting in a change of boundaries to the municipal platting authority for approval; final approval of replat must also be obtained.

(2) 34.60.010, et seq.: State Relocation and Real Property Acquisition Practices Act. Term "state agency" required to comply with procedures includes political subdivisions of State [AS 34.60.150(6)].

(3) 35.15.080: Local Control of State Public Works Projects. General law or home rule city or organized borough may request assumption of planning and construction of public works project of State under section 35.15.080, and may make agreements with State for these purposes "irrespective of restrictions of other provisions of law on the acquisition and exercise of borough powers." (section confers power); "municipality" includes general law or home rule city or organized borough [35.15.120]).

(4) 35.30.010: Local approval of State Plans. Requires review and approval of D.O.T. plans and project by local planning authorities subject to certain exceptions and waiver.

(5) 35.30.020: State Compliance with Local Planning and Zoning Ordinances. Requires certain departments of State to comply with local planning and zoning ordinances and other regulations in the same manner and to same extent as other land owners.

(6) 36.05.070: Minimum Wage. Required inclusion of minimum wage in advertised specifications for contract for public works and submittal of information to Department of Labor.

(7) 36.10.010: Employment Preference. (questionable validity after Hicklin v. Orbeck, 437 U.S. 578, 98 S.Ct. 2482 (1977)).

(8) 36.15.010-.015: Local Forest Products Clause. Clause required in certain projects and contracts using forest products financed with State money.

(9) 36.25.010: Contractor's Bonds. Requires specified performance and payment bonds be obtained and verified by political subdivisions regarding contract for public buildings or works (AS 36.95.010(6) [includes boroughs and cities]).

(10) 37.10.085: Prohibition of Extension of Credit. Neither State nor political subdivision of State may lend its credit or borrow money for the use of a corporation.

(11) 37.10.090: Action to Recover Illegal Expenditure or Disposition of Funds or Property. Money, funds or property of a city, school district, or municipal government illegally paid, or diverted for an illegal purpose, or paid to a person not authorized by law to receive them, may be recovered by action brought by the Attorney General (State to advance costs of suit and recovered from recovery repaid to agency for whom funds recovered [37.10.100]).

(12) 44.62.310: Public Meetings.

CITY OF SEWARD



P. O. BOX 337
SEWARD, ALASKA 99664

CITY MANAGER	224-5214
COMPTROLLER	224-5216
INFORMATION	224-5215
CITY POLICE	224-5201

December 1, 1980

TAMARA BRANDT COOK
LEGISLATIVE COUNSEL
LEGISLATIVE AFFAIRS AGENCY
Pouch Y
JUNEAU, AK 99811

MEMO FROM STATE CLERKS TO TITLE 29 COMMITTEES

Enclosed is a memo regarding various sections of Title 29 and its proposed revisions which the Alaska Association of Municipal Clerks unanimously approved at its annual meeting held in Fairbanks the week of November 10. The Association requested that I forward this memo to the Technical and Policy Committees.

I have been trying to recover from the flu for the past week and still am unsure if I will be in attendance at the December 4-5 Technical meeting. Therefore, I am sending this memo on to you for distribution.

By copy of this letter and the enclosure, I am also forwarding this information to John Messenger's office just in case this does not reach you in Juneau in time.

Thank you.

JOANNE E. SHANLEY
CITY CLERK

Enclosure

cc: John Messenger w/ enclosure

November 5, 1980

Carol A. Tellevick
City Clerk
City of Port Alexander
Box 725
Port Alexander, Alaska 99836

Dear Ms. Tellevick:

Here is a copy of Title 29 and the supplement. The supplement does not include legislation passed during the 1980 session, so you should contact the Michie Company to order the new supplement when it is printed. If I can help in any other way please let me know.

Sincerely,

Tamara Brandt Cook
Legislative Counsel

TBC:maf

Encl.

CITY OF PORT ALEXANDER

Box 725 • PORT ALEXANDER, ALASKA 99836

October 23, 1980

Tamara Brandt Cook
Division of Legal Services
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, Alaska 99811

Hello:

In reference to your Notice of Meeting concerning the revision of the Municipal Code, Title 29.

The City of Port Alexander for over a year now has been trying to acquire a copy of Title 29. We were instructed to order one from Michie-Bobbs-Merrill, PO Box 7587, Charlottesville, Virginia. We sent this company the payment, they claimed they sent us the Title 29 and Supplement. We never received it, so again we ordered one. That was last spring and we haven't heard from them since.

Perhaps you could assist us by sending us a copy of Title 29 and supplement? It would be greatly appreciated.

Sincerely,

Carol A. Tellevik
Carol A. Tellevik
City Clerk

HAINES BOROUGH

P.O. BOX H
HAINES, ALASKA 99827
(907) 766-2711

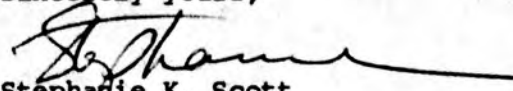
October 24, 1980

Tamara Brandt Cook
Legislative Counsel
Pouch Y
• Juneau, Alaska 99811

Dear Tam:

Thanks for your letter re my suggestions on the service area statute. I have asked the Assembly to send our Borough Attorney, Tom Blanton, to your Fairbanks meeting. However, I hope to follow the Fairbanks meeting through Tom's report.

Sincerely yours,


Stephanie K. Scott
Administrative Secretary



NATIVE VILLAGE OF TYONEK, ALASKA



INCORPORATED
TYONEK, ALASKA 99682

MANAGEMENT OFFICE
1675 "C" STREET — ROOM 246
ANCHORAGE, ALASKA 99501

October 16, 1980

Tamara Brandt Cook
Division of Legal Services
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Tamara:

I have just recieved a letter of notice of meeting dated October 6, 1980, in regards to the policy advisory group concerning title 29.

Up until I recieved this letter, I was not aware of such a group.

Could you sent me information on this, also it's purpose.

Thank you.

Sincerely,

Donald Standifer, President
of Native Village of Tyonek.

cc: Village File

23 October 1980

Sent copies of Minutes of Meetings for Policy Group Meetings to date.
Sent copy of Legislative Resolution forming Title 29 Commission.

MAF

Cheformak City Council
Cheformak , Alaska 99561

20 June 1980

Local Government Study
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Gentlemen;

We wish to give our full suport to the issue on Capitol Foundation fund. We find it very helpful to our situation because we don't have very much in matching costs to our capitol projects.

Right now we are trying to get funds to build a Cultural Facility but we don't have matching costs. If it is possible, we will introduce the amounts we are trying to get and the matching costs.

We have other capitol projects we would like to get on, but don't have funding.

If we have to fill out forms or questionnaires to get those funds, Please don't hesitate to send them to us.

With our support,

Cheformak City Council
Cheformak City Council

cc. D.L.
N.L.

October 10, 1980

Stephanie K. Smith
Administrative Secretary
Haines Borough
P.O. Box 1
Haines, Alaska 99827

Dear Ms. Smith:

Thank you for your letter. I have provided copies of the material you sent to all members of the Title 29 Advisory Policy Group.

For your information the Superior Court opinion City of Kodiak v. Kodiak Island Borough was never appealed. Unfortunately, I am not aware of any additional case law construing the statutory provision which limits the authority to form service areas. I will forward any additional information I receive on the subject to you. You have suggested that AS 29.63.090(d) be rewritten to provide more flexibility to municipal governments in creating service areas. Since that section is essentially a restatement of language contained in the state constitution, I doubt that rewriting the statute would accomplish your purpose.

Please send me any other suggestions which you may have regarding proposed changes to the Municipal Code and I will gladly forward them on to the Policy Group. Our next meeting is scheduled to be held in Fairbanks on November 10th and 11th. I hope to see you there.

Sincerely,

Tamara Brandt Cook
Legislative Counsel

TBC:ljb

cc: Title 29 Policy Advisory Group

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

October 16, 1980

SUBJECT: A.F.N. Meeting

TO: Policy Advisory Group
Technical Committee
Title 29 Revision

FROM: Tamara Brandt Cook
Legislative Counsel *TBC*

The Alaska Federation of Natives, Incorporated is holding its Fourteenth Annual Convention at the Sheraton Hotel in Anchorage on October 23, 24, and 25, 1980. In connection with this convention, an affiliated meeting dealing with the work being done by the Title 29 Revision Committee will be held on Friday, October 24th at 1:00 P.M.

You are invited to attend and to participate in the affiliated meeting which will focus on the concerns of smaller rural communities. Senator Arliss Sturgulewski will be there and I hope some of you are able to attend.

TBC:ljb

cc: Frank Ferguson, President, A.F.N.

MEMORANDUM

October 7, 1980

SUBJECT: Progress report - Title 29 Revision Committee

TO: Senator Bill Ray, Chairman
Interim Projects Oversight Committee

FROM: Tamara Brandt Gook
Legislative Counsel

CSSCR 66, Legislative Resolve 39 of the last regular legislative session directed the Alaska Legislative Council to revise AS 29 (the municipal government code). A Policy Advisory Group was authorized to assist in the revision and I was assigned to the project from the Legal Services Division. Members of the Policy Group were appointed in August, and the first meeting was held in Anchorage on August 27 and 28, 1980. Minutes of that meeting are attached.

During the first meeting the Policy Group appointed a Technical Revision Committee, composed primarily of attorneys with expertise in municipal law to perform actual drafting. The committee was directed to reorganize Title 29 as a first step in the revision. . The Policy Group went on to consider various issues including: greater self-determination and latitude for local governments; whether the provisions relating to development cities should be restructured or eliminated; whether changes should be made in the present categories of municipal government; and the possibility of the state recognizing traditional village governments as municipal governments.

The Technical Committee met in Anchorage on September 3, 1980 and worked out a proposed reorganization format for Title 29. Staff was directed to prepare an index of Title 29 according to the proposed reorganization scheme. The Technical Committee met again in Anchorage on September 19, 1980 to consider the proposed reorganization. The proposed reorganization scheme was rejected as too complicated and

October 7, 1980

unworkable. An alternative reorganization of Title 29 was worked out and adopted by the committee for presentation to the Policy Advisory Group.

The Policy Advisory Group met in Anchorage on September 29 and 30, 1980. Minutes of that meeting are attached. The morning of the first day was devoted to presentations by members of the public. In the afternoon the Technical Committee presented its reorganization of Title 29. Staff was directed to prepare a complete text of Title 29 according to the proposed reorganization scheme and to mail it to members of the Policy Advisory Group as soon as possible. The rest of the meeting was devoted to discussion of policy issues and proposed changes to Title 29, with the Technical Committee directed to make several drafts incorporating specific changes to be presented for review by the Policy Group at its next meeting.

The next meeting of the Technical Committee is scheduled to take place in Anchorage on October 20, 1980. The committee will attempt to produce a complete technical revision of Title 29, as well as incorporating the specific changes requested by the Policy Group into drafts. The Technical Committee may require three or four additional meetings in order to complete their revision of the municipal code. The Policy Group is scheduled to meet again in Fairbanks on November 10 and 11, 1980. The meeting is planned to coincide with a meeting of the Municipal League to provide maximum opportunity for interested persons to address the Policy Group. After receiving public comments, the group will make a final decision on the reorganization of Title 29, and consider all drafts submitted by the Technical Committee. It is possible that the Policy Group may request one or two additional meetings for the purpose of considering the final revision of the municipal code before presenting it to the legislature. A statement of actual and projected expenditures is attached.

If you have further questions concerning the Title 29 Revision project, please contact me.

TBC:ljb

Enclosures

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

FOUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

October 7, 1980

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TO: Senator Bill Ray, Chairman
Interim Projects Oversight Committee

FROM: Tamara Brandt Cook
Legislative Counsel *TBC*

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The Policy Advisory Group met in Anchorage on September 29 and 30, 1980. Minutes of that meeting are attached. The morning of the first day was devoted to presentations by members of the public. In the afternoon the Technical Committee presented its reorganization of Title 29. Staff was directed to prepare a complete text of Title 29 according to the proposed reorganization scheme and to mail it to members of the Policy Advisory Group as soon as possible. The rest of the meeting was devoted to discussion of policy issues and proposed changes to Title 29, with the Technical Committee directed to make several drafts incorporating specific changes to be presented for review by the Policy Group at its next meeting.

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If you have further questions concerning the Title 29 Revision project, please contact me.

TBC:ljb

Enclosures

cc: Senator Arliss Sturgulewski
Billy G. Berrier

**Title 29 Commission
Actual and Projected Expenditures
As of 06 October 1980**

SCHEDULED MEETINGS:

Balance as of 1 August 1980	\$53,785.00
Policy Group Meeting 27 & 28 August 1980	3,910.25
Technical Group Meeting 08 September 1980	1,601.25
Technical Group Meeting 19 September 1980	1,787.75
Estimated Cost: Policy Group Meeting 29 & 30 September 1980	3,500.00
Estimated Cost: Technical Group Meeting 20 Oct 1980	2,000.00
Estimated Cost: Policy Group Meeting 11 & 12 November 1980	6,000.00
Personal Services to 15 January 1981	11,400.00

UNSCHEDULED MEETINGS:

Policy Group Meeting: Late November 1980 Mid-December 1980	3,500.00 3,500.00
Technical Group Meetings: November 1980 November 1980	2,000.00 2,000.00
Technical Group Meetings: December 1980 December 1980	2,000.00 2,000.00
Projected Total Cost:	45,199.25
Balance:	8,585.75

July 28, 1980

The Honorable Clem V. Tillion
President of the Senate
Halibut Cove, AK 99603

Dear Senator Tillion:

CSSCR 66, Legislative Resolve 39 of the recent legislative session, directs the Alaska Legislative Council to revise AS 29, the municipal government code. A policy advisory group is authorized to assist in that task. Together with two members of each house of the legislature appointed by the respective presiding officers, the resolution also authorizes selection by the presiding officers of an unstated number of public members, drawn from recommendations submitted by legislative members, the Departments of Community and Regional Affairs and Law, the Alaska Municipal League, the Rural Alaska Community Action Program, and the legal services division of this Agency.

At my direction, Jack Chenoweth of this office met today with Ginny Chitwood of the Municipal League, Palmer McCarter (speaking for the administration) and, by phone, Bob Lohr, the deputy director of RuralCAP. It is their suggestion, and my recommendation, that nine public members be appointed to serve with the four legislators previously designated for the policy advisory group for the Title 29 revision. Their suggestion included the following recommended nominations:

Ted Berns, municipal attorney
Municipality of Anchorage

Terry Cook, member of the city council
City of Alakanuk

Marilyn Dimmick, member of the assembly
Kenai Peninsula Borough

Page 2
July 28, 1980

James O. Eckstedt, member of the assembly
Matanuska-Susitna Borough, and of the city council
City of Palmer

James Kohler, city manager
City of Yakutat

Gene Moore, city manager
City of Kotzebue

Donna Sherby, city clerk
City of Cordova

Jonathan Solomon, presently working in support of
establishment of a rural borough for the Upper
Yukon River area, Fort Yukon

Russell W. Walker, attorney
City of Ketchikan and Ketchikan Gateway Borough

The policy advisory group provided for by the resolution
will have direct and continuing support and assistance from
Palmer McCarter of the Department of Community and Regional
Affairs, Ginny Chitwood of the Alaska Municipal League, Phil
Smith of RuralCAP, Rod Pegues from the Department of Law,
and Tamara Brandt Cook, whom I have assigned from the staff
of this division.

Your consideration of the nominations suggested in this letter
for appointment as public members of the policy advisory
board for the revision of AS 29 is appreciated.

Very truly yours,

Billy G. Berrier
Director
Division of Legal Services

BGB:JBC:jdn

bcc: Senator Sturgulewski
Palmer McCarter
Ginny Chitwood
Phil Smith

TELEPHONES
907) 586-1325
586-6526

MUNICIPAL *League*

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

Alaska Municipal League - Nominations for Title 29 Revision Committee (resumes included for several nominees)

Edward Ambarian
Member, Kenai City Council
Member, Kenai Peninsula Borough Assembly
Former Member, Kenai Planning Commission

P.O. Box 580
Kenai, Alaska 99611
283-7535

Theodore D. Berns
Attorney, Municipality of Anchorage

Pouch 6-650
Anchorage, Alaska 99502
264-4545

Richard Careaga
Planner, City of Unalaska

P.O. Box 89
Unalaska, Alaska 99685
581-1251

Ginny Chitwood
Executive Director, Alaska Municipal League
Former Mayor, City & Borough of Juneau
Former Chairman, Greater Juneau Charter Commission

204 North Franklin
Juneau, Alaska 99801
586-1325

Terry Cook
Secretary/Treasurer, Alakanuk City Council

Box 51
Alakanuk, Alaska 99554

Samuel L. Coxson
Manager, City of Whittier

6754 Blackberry Street
Anchorage, Alaska 99502

Ruby Coyle
City of Kenai

P.O. Box 580
Kenai, Alaska 99611
283-7535

Bill Curtis
Manager, City of Palmer
Member, AML Legislative Committee

P.O. Box 1368
Palmer, Alaska 99645
745-3927

Marilyn Dimmick
Member, Kenai Peninsula Borough Assembly
Member, AML Legislative Committee
Former Member, Borough Planning Commission

Box 151
Ninilchik, Alaska 99639
567-3927

Richard Garnett, III
Attorney, Kodiak Island Borough
Formerly, Municipality of Anchorage
Attorney's Office
Formerly, Attorney General's Office

900 West Fifth Avenue
Suite 540
Anchorage, Alaska 99501
276-2221

Bob Jones Finance Director, Fairbanks North Star Borough President-Elect, Municipal Finance Officers Association Member, AML Revenue Sharing Committee Member, State Manpower Services Council	P.O. Box 1267 Fairbanks, Alaska 99707 452-4761
Robert S. Juettner McGrath City Administrator	P.O. Box 57 McGrath, Alaska 99627 524-3825
Ronald Larson Mayor, Matanuska-Susitna Borough Chairman, AML Legislative Committee	Box B Palmer, Alaska 99645 745-4801
John Messenger Preston, Thorgrimson, Ellis Holman & Fletcher AML Associate Member Expertise in Bonding and Finance Former Commissioner of Revenue	420 "L" Street Suite 404 Anchorage, Alaska 99501 276-1969
Gene Moore Manager, City of Kotzebue Member, AML Legislative Committee	P.O. Box 186 Kotzebue, Alaska 99752 442-3401
George Navarre Former Chairman, Kenai Peninsula Borough	Box 580 Kenai, Alaska 99611 283-7535
* Jim Nordale Attorney, Fairbanks North Star Borough Member, AML Legislative Committee	P.O. Box 1267 Fairbanks, Alaska 99707 452-4761
Joyce Rasler Manager, City of Wrangell Member, AML Legislative Committee Former Clerk, City of Wrangell	P.O. Box 531 Wrangell, Alaska 99929 874-2381
Andrew Sarisky Attorney, Kenai Peninsula Borough	Box 850 Soldotna, Alaska 99669 262-4441
Barbara Shaffer Council Member, City of Nome Member, AML Legislative Committee	P.O. Box 907 Nome, Alaska 99762 443-2900
Jo Anne Shanley Clerk, City of Seward	P.O. Box 337 Seward, Alaska 99664 224-5216

Gerald Lee Sharp
Attorney, City and Borough of Juneau
Member, AML Legislative Committee
Former Member, Greater Juneau Borough Assembly

155 South Seward
Juneau, Alaska 99801
586-3300

Donna Sherby
Clerk, City of Cordova

P.O. Box 1210
Cordova, Alaska 99574
424-3237

* Allan E. Tesche
Attorney, Matanuska-Susitna Borough

Box B
Palmer, Alaska 99645
745-3246

Russell W. Walker
Attorney, Ketchikan Gateway Borough
Attorney, City of Ketchikan

Box 7300
Ketchikan, Alaska 99901
225-3111 # 327

Michael Walleri
Local Government Specialist
Tanana Chiefs Conference, Inc.

Doyon Building
1st and Hall Streets
Fairbanks, Alaska 99701
452-8251

* Nominees specifically for working group.

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

September 10, 1980

Ms. Ginny Chitwood
204 North Franklin
Juneau, AK 99801

Dear Ms. Chitwood:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

The dates for the next meeting of the Policy Advisory Group have been set for the 29th and 30th of September, 1980. The meeting will be held in Anchorage at the Legislative Information Office, 1024 West 6th Avenue. It will begin at 9:00 am in the conference room on the second floor.

Please let me know if there is anything I can do to assist you regarding this or any other of our meetings. I will be happy to make travel or hotel reservations, and send or bring copies of information you would like to have. My telephone number in Juneau is 465-3809, or you can call 465-3867.

Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook ✓

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

September 10, 1980

Mr. Phil Smith,
327 Eagle Street
Anchorage, AK 99501

Dear Mr. Smith:

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Melissa Aber Fouse
Secretary, Title 29 Commission

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STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

September 10, 1980

Mr. Ted Berns
Pouch 6-650
Anchorage, AK 99502

Dear Mr. Berns:

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Ginny Chitwood
Palmer McCarter
Phil Smith

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99801
907-465-2600

September 10, 1980

Mr. Jonathan Solomon
P.O. Box 269
Fort Yukon, AK 99740

Dear Mr. Solomon:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Secretary, Title 29 Commission

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Ginny Chitwood
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Phil Smith

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

September 10, 1980

Mr. Terry Cook
Box 33
Alakanuk, AK 99554

Dear Mr. Cook:

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Sincerely,

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Phil Smith

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

September 10, 1980

Mr. Ronald Larson
Box B
Palmer, AK 99645

Dear Mr. Larson:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Sincerely,

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Secretary, Title 29 Commission

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STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

September 10, 1980

Senator Arliss Sturgulewski
2957 Sheldon Jackson Street
Anchorage, AK 99501

Dear Senator Sturgulewski:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Secretary, Title 29 Commission

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Palmer McCarter
Phil Smith

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99801
907-465-3800

September 10, 1980

Senator Bob Mulcahy
P.O. Box 246
Kodiak, AK 99615

Dear Senator Mulcahy:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Secretary, Title 29 Commission

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Palmer McCarter
Phil Smith

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

September 10, 1980

Representative Charles H. Parr
S.R. Box 50599
Fairbanks, AK 99708

Dear Representative Parr:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

September 10, 1980

Representative Margaret Branson
P.O. Box 740
Cooper Landing, AK 99572

Dear Representative Branson:

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y. STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

September 10, 1980

Mr. Russell W. Walker
Box 7300
Ketchikan, AK 99901

Dear Mr. Walker:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

The dates for the next meeting of the Policy Advisory Group have been set for the 29th and 30th of September, 1980. The meeting will be held in Anchorage at the Legislative Information Office, 1024 West 6th Avenue. It will begin at 9:00 am in the conference room on the second floor.

Please let me know if there is anything I can do to assist you regarding this or any other of our meetings. I will be happy to make travel or hotel reservations, and send or bring copies of information you would like to have. My telephone number in Juneau is 465-3809, or you can call 465-3867.

Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU ALASKA 99811
907-465 3800

September 10, 1980

Ms. Donna Sherby
P.O. Box 1210
Cordova, AK 99574

Dear Ms. Sherby:

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Secretary, Title 29 Commission

maf

enclosures

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Tamara Brandt Cook
Ginny Chitwood
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Phil Smith

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

September 10, 1980

Mr. Gene Moore
P.O. Box 186
Kotzebue, AK 99752

Dear Mr. Moore:

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Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y. STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

September 10, 1980

Mr. James Kohler
P.O. Box 6
Yakutat, AK 99689

Dear Mr. Kohler:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801
907-465-3800

September 10, 1980

Ms. Marilyn Dimmick
Box 151
Ninilchik, AK 99639

Dear Ms. Dimmick:

Enclosed are the Minutes for the Title 29 Revision Committee Policy Advisory Group meeting of August 27 and 28, 1980. Also enclosed is a copy of SB 565, a letter from Representative Nels Anderson of Dillingham to Mr. Palmer McCarter, and a letter from Robert S. Juettner, City Administrator of McGrath, to Senator Sturgulewski.

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Sincerely,

Melissa Aber Fouse
Secretary, Title 29 Commission

maf

enclosures

cc: Billy G. Berrier
Tamara Brandt Cook
Ginny Chitwood
Palmer McCarter
Phil Smith

TITLE 29 REVISION COMMITTEE
Policy Advisory Group Meeting

Minutes of August 27 & 28 1980

The first meeting of the Policy Advisory Group of the Title 29 Revision Committee was held August 27, 1980 in the Conference Room of the Legislative Information Office, 1024 6th Avenue, Anchorage, Alaska. The meeting was called to order by Billy G. Berrier, Director of the Division of Legal Services at 9:00 am.

Present were: Ted Berns, Terry Cook, Marilyn Dimmick, James Kohler, Gene Moore, Donna Sherby, Jonathan Solomon, Russell W. Walker, Ronald Larson, Senator Arliss Sturgulewski, Senator Bob Mulcahy, Representative Margaret Branson, Representative Charles H. Parr as members of the Policy Group. Also present were Phil Smith and Mr. Palmer McCarter, Ex Officio Members of the Policy Advisory Group. Allan E. Tesche attended representing the Technical Committee. Ted Berns and Russell Walker are also members of the Technical Committee. Mike Walleri of the Tanana Chiefs Conference, Inc., and Glen Svendsen, Administrative Assistant to the Senate Community and Regional Affairs Committee were present. Billy Berrier and Tamara Cook were present representing the Division of Legal Services, Legislative Affairs. Tam Cook explained that Ginny Chitwood from the Alaska Municipal League could not be present but would attend future meetings as an Ex Officio member.

The first order of business was the selection of a chairman for the committee. Nominations were opened and Senator Sturgulewski was nominated by Representative Parr. The nomination was seconded and Senator Sturgulewski was elected Chairman by acclamation.

Mr. Berrier spoke on the role of the Technical Revision Committee and asked for an appointment of a group. A motion to set up a Technical Revision Group was made by Representative Branson. The motion was seconded and carried. The Technical Revision Committee members will be Ted Berns, Richard Garnett, III; John Messenger, Jim Nordale, JoAnne Shanley, Gerald Lee Sharp, Allan Tesche, and Russell Walker.

The Ex Officio members were introduced and there was discussion as to their role. It was agreed that they should sit at the table and take part in the discussion. Palmer McCarter spoke about the role of Community and Regional Affairs. He said that there would be a representative of C&RA at every meeting, either he or Patrick Poland would attend. Mr. McCarter also presented a letter from the Local Boundary commission requesting the statutes regarding Development cities be left in Title 29 but improved. Phil Smith spoke on the concerns of RuralCAP regarding the impact of government on villages and rural areas.

Representative Parr suggested directions for the Policy Committee: 1). greater self determination and latitude for local governments; and 2.) that elected officials should be able to understand Title 29 without the help of attorneys. Senator Sturgulewski agreed that Title 29 needed clarification.

The members present of the Technical Committee met briefly and Ted Berns, as spokesman, gave a report regarding the ideas they discussed. The group recommended that Title 29 be broken down into three sections.

1. The first section to be general provisions applying to all local government.

2. The second section to be delineation of procedures and additional limits on specific forms of government.

3. The third section to be directory provisions to be used unless the local government adopts ordinances of their own.

It was decided that the Technical Committee should attempt to reorganize Title 29 along these lines and present a draft at the next meeting.

Mike Walleri, Village Government Specialist, Tanana Chiefs Conference, Inc., spoke, saying he would like a simplification of government.

A list of items pertaining to Title 29 included in the preliminary draft of the Alaska Municipal League 1981 policy statement was handed out.

Future meeting dates and places were discussed. None were decided upon.

The kinds of things applicable to all municipalities were discussed, such as incorporation, dissolution, boundary changes, classification of government, extraterritorial powers, merger/consolidation, revenue, taxation, bonding, and intergovernmental relations.

Protection of people in service areas who are not represented by local government, such as persons living outside city limits, was discussed.

The meeting recessed at 4:00 pm.

The meeting was called to order the second day at 9:00 am., Chairman Sturgulewski presiding. In addition to the persons present at the first day's meeting, Chris Johnson of House Research and Nels Franklin from near Dillingham were present, and introduced by Chairman Sturgulewski.

Ted Berns gave a recap of the first days meeting.

Terry Cook was appointed repository of ridiculous laws.

Senator Mulcahy spoke on the problem of getting information, drafts, and policy issues to all municipalities within the time constraints. Phil Smith suggested a teleconference and said that he would be presenting material at the Alaska Federation of Natives Convention (23-25 October 1980, in Anchorage). It was decided that the problem of getting materials and information to the public would be an agenda item at the next meeting. Palmer McCarter, Phil Smith, and Ginny Chitwood of the Alaska Municipal League were appointed to a committee to research this problem and make recommendations.

Melissa Fouse was introduced as the new secretary to the Title 29 Revision Committee.

As part of the reorganization of Title 29, there was discussion as to which statutes belonged in which category.

Representative Parr wants a uniform provision on executive session. There was discussion on executive sessions.

The question of retaining present categories of government was raised and discussed. Ted Berns suggested only two classes of boroughs and home rule, pointing out that there are no first class boroughs.

The question of development cities was raised and discussed. Should we retain, restructure, or eliminate development cities?

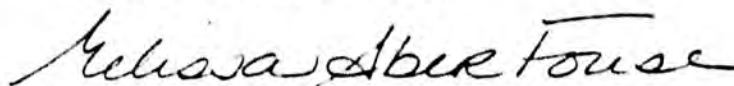
There was discussion on the third category. If a municipality chooses to follow procedures, should they be required to follow all of them?

Senator Mulcahy's legislation regarding the recognition of village governments was discussed. Copies of HB 192 are to be mailed to committee members.

There was discussion of persons representing committee members being allowed to vote. Mr. Berrier had reservations based on the appointment of the members of the commission according to resolution. It was decided that persons filling in for committee members be allowed to take part in the discussion, but would not be allowed to vote.

The meeting was adjourned at 12:00 pm.

Respectfully submitted,



Melissa Aber Fouse

NELS A. ANDERSON, JR.
BOX 234
DILLINGHAM, ALASKA 99576
HOME PHONE 842-8302

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
PHONE 465-3738 OR 3739
HOME PHONE 789-7897



REPRESENTING DISTRICT 10
BRISTOL BAY — LOWER KODIAK

HOUSE MAJORITY LEADER
VICE CHAIRMAN JUDICIARY COMMITTEE
MEMBER, RULES COMMITTEE
MEMBER, SPECIAL COMMITTEE
ON SUBSISTENCE

House of Representatives

August 26, 1980

Mr. Palmer McCarter, Director
Division of Local Government Assistance
Department of Community & Regional Affairs
Pouch B
Juneau, Alaska 99811

Dear Sir:

It has come to my attention that the second class cities and unincorporated village governments in the Bristol Bay Region will experience severe problems in meeting the September 20, 1980 deadline for mailing completed State Revenue Sharing applications to qualify for the \$25,000 minimum entitlement provided for in the new law revising the State Revenue Sharing Program. It has further come to my attention that applications were only recently mailed to general law municipalities and that applications for traditional governing councils have yet to be mailed.

The September 20th time deadline is further compounded by the problem that many of the villages in our region are currently unaware of the provision in the new law which provides state aid to eligible governments recognized under the Alaska Native Claims Settlement Act. Another very real problem is the frequency of mail delivery service, which is sporadic at best, to many of the villages in the more remote areas.

A lot of work on the part of rural legislators went into FCCHB 192 reforming the State Revenue Sharing Program to include state aid to unincorporated governments and the \$25,000 minimum entitlement provision for small rural municipalities with no tax base.

With the September 20th deadline for mailing applications just around the corner, it appears that many local governments that could take advantage of the new State Revenue Sharing program will be unable to do so. I would encourage your department to strongly consider extending the deadline to allow more local governments desperately in need of such monies to have the time to properly complete the application process.

Thank you.

Very sincerely,

Nels A. Anderson, Jr.

Nels A. Anderson, Jr.

cc: Senator George Hohman
Rep. Bill Parker
Sen. Arliss Sturgulewski
Governor Hammond
Commissioner Lee McAnerney, CRA
TUNDRA TIMES
TUNDRA DRUMS

OK
copy title 29 committee



CITY OF MC GRATH

P.O. BOX 57 MC GRATH, ALASKA 99627

PHONE (907) 524-3825

August 26, 1980

Arliss Sturgulewski, Senator
2957 Sheldon Jackson Street
Anchorage, Alaska 99504

Dear Senator Sturgulewski,

Back at the beginning of the summer, I attended a meeting called by the Division of Community Planning. It was a "loose meeting" in that the agenda was flexible and covered many areas and concerns. Somewhere in the meeting, we touched upon the changes proposed by the Community & Regional Affairs Committees. If I am not mistaken, everyone agreed that the committees were on the right track especially in regards to the establishment of service areas following REAA boundaries.

Well, it seems that those of us living in the "bush" know more about what happens in Juneau than some of the state employees living and working there. For example, the Dept. of Health & Social Services just unveiled a plan whereby the communities of Holy Cross, Anvik, Shageluk and Grayling which are all in the Iditarod Area School District, REAA 11, will now receive there public health nurse services from Bethel. Ms Lois Bergerson decided that those people would be better served from Bethel than McGrath. Was there any local input from those communities? Was any consideration given to the fact that those people are Athabascans and not Yupiks? Did anyone think to explore the logic behind the boundaries of REAA 11? The answer to all three questions is no. However, Ms Bergerson is adamant that the changes will take effect on Sept. 1 irregardless of any protests.

It is my firm hope that when the Legislature convenes in January, that the Community & Regional Affairs Committees will reintroduce the same package of bills.

Sincerely,

Robert S. Juettner
Robert S. Juettner
City Administrator

8/29/80 Admined Bob Juettner to committee → Jan Cooke - Please copy AS 29 Revised. Committee will sit - Office + Dept HSS + Fran Almon

Municipality of Anchorage



POUCH 6-850
ANCHORAGE, ALASKA 99502
(907) 264-4545

GEORGE M. SULLIVAN,
MAYOR

OFFICE OF THE MUNICIPAL ATTORNEY

September 2, 1980

Title 29 - Technical Review Committee

Re: Organizational Meeting

It is my understanding that you have agreed to serve on a technical review committee to assist in a comprehensive review of AS Title 29. (Municipal Government). A Policy Review Group has been appointed by the Legislature to review Title 29 and report on any recommended revisions. The Technical Committee has been asked to assist the Policy Group in recommending changes and reorganizing the present body of statutes. As a member of the Policy Group, I have been asked to act as liason with the Technical Committee. I would therefore like to propose an organizational meeting and to pass along some preliminary requests made by the Policy Group at its initial meeting on August 27th and 28th in Anchorage.

One of the first points of consensus reached by the Policy Group was a feeling that the present Title 29 is confusing and badly organized. The Policy Group therefore requested the Technical Committee to explore the feasibility of a new organization for Title 29. Under the proposed organization, the present statute would be organized into roughly three or four categories according to their applicability. Category I would be those provisions applicable to and binding upon all municipal governments, including home rule municipalities. Category II would then contain statutory material constituting additional limitations or prescriptions for various classes of cities or boroughs. Category III would seek to address the needs of many smaller communities by containing directory administrative and legislative provisions. Such provisions would apply to local governments unless a municipality, by ordinance, rejected coverage in order to adopt its own local procedures. Probably, a Category IV containing miscellaneous and general matter would also be necessary.

It should be noted that, in addition to favoring a simplified organization for Title 29, there seemed to be considerable initial support for increasing local government autonomy. One of the Policy Group's next tasks will probably be a section-by-section analysis of the present statutes to determine which laws might either be eliminated or placed in a "directory" category to be used at the option of municipalities.

The Policy Group is tentatively looking at a second meeting on or about September 22nd. At this time, it is hoped that the technical group, together with staff, will have prepared an outline of a proposed new organization showing all of the present statutes organized into the three or four categories described above. Additionally, I know many of you submitted specific written comments on the present statutes, and I suggest that we explore a division of labor to begin preparing specific recommended statutory changes for consideration by the Policy Group.

Since time is uncomfortably short, I would like to propose an initial meeting for 9:00 a.m., Monday, September 8, 1980, at the Legislative Information Office, 1024 W. 6th Avenue, Anchorage. At this meeting, the committee would attempt to respond to the requests of the Policy Group and to discuss its future role in the review of Title 29. Hopefully, everyone will be able to consider in advance of September 8, a proposed reorganization along the lines described above and begin our individual grouping of present statutes. Recognizing all of our busy schedules, I am hopeful that a one day meeting on the 8th will be sufficient. However, if necessary, you may wish to allow for some time on your calendar for the morning of the 9th.

It is my understanding that travel and per diem expenses will be reimbursed. Please contact Ms. Tamara Cook, Legislative Counsel, 465-4996 for details. I look forward to seeing you in Anchorage. Please feel free to contact my office at 264-4236 with any questions.

Sincerely,

DEPARTMENT OF LAW



Theodore D. Berns
Municipal Attorney

TDB:gml

cc: Ms. Tamara Cook
Bill Berrier

July 16, 1980

The Honorable Terry Gardiner, Speaker
State House of Representatives
P.O. Box 6092
Ketchikan, Alaska 99901

Dear Representative ^{Terry} Gardiner:

Enclosed is a list of people who have volunteered or who have been recommended to serve on the Title 29 Revision Committee. I have sent the same list to Clem Tillion.

I had originally intended to offer a limited number of names for consideration. I believe, however, it is very important that the committee represent a broad spectrum of Alaska local government interests and without knowing what areas were being covered by other nominations, I found it very difficult to cut down my list.

If I can be of any assistance once all the names have been submitted, I will be happy to do so.

Sincerely,

GINNY

GINNY CHITWOOD
Executive Director

cc: Billy Berrier, Director, Division of Legal Services
Lee McAnerney, Commissioner, Department of CRA
Phil Smith, RuralCAP

TELEPHONES
(907) 586-1325
586-6526

MUNICIPAL

League

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99901

July 16, 1980

The Honorable Clem Tillion
President, Alaska State Senate
Halibut Cove, Alaska 99603

Dear Senator ^{Clem}Tillion:

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Sincerely,

Ginny

Ginny Chitwood
Executive Director

cc: Billy Berrier, Director, Division of Legal Services
Lee McAnerney, Commissioner, Department of CRA
Phil Smith, RuralCAP

TELEPHONES
(907) 586-1325
586-6526

MUNICIPAL *League*

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

Alaska Municipal League - Nominations for Title 29 Revision Committee (resumes included for several nominees)

Edward Ambarian
Member, Kenai City Council
Member, Kenai Peninsula Borough Assembly
Former Member, Kenai Planning Commission

P.O. Box 580
Kenai, Alaska 99611
283-7535

Theodore D. Berns
Attorney, Municipality of Anchorage

Pouch 6-650
Anchorage, Alaska 99502
264-4545

Richard Careaga
Planner, City of Unalaska

P.O. Box 89
Unalaska, Alaska 99685
581-1251

Ginny Chitwood
Executive Director, Alaska Municipal League
Former Mayor, City & Borough of Juneau
Former Chairman, Greater Juneau Charter Commission

204 North Franklin
Juneau, Alaska 99801
586-1325

Terry Cook
Secretary/Treasurer, Alakanuk City Council

Box 51
Alakanuk, Alaska 99554

Samuel L. Coxson
Manager, City of Whittier

6754 Blackberry Street
Anchorage, Alaska 99502

Ruby Coyle
City of Kenai

P.O. Box 580
Kenai, Alaska 99611
283-7535

Bill Curtis
Manager, City of Palmer
Member, AML Legislative Committee

P.O. Box 1368
Palmer, Alaska 99645
745-3927

Marilyn Dimmick
Member, Kenai Peninsula Borough Assembly
Member, AML Legislative Committee
Former Member, Borough Planning Commission

Box 151
Ninilchik, Alaska 99639
567-3927

Richard Garnett, III
Attorney, Kodiak Island Borough
Formerly, Municipality of Anchorage
Attorney's Office
Formerly, Attorney General's Office

900 West Fifth Avenue
Suite 540
Anchorage, Alaska 99501
276-2221

Bob Jones
Finance Director, Fairbanks North Star Borough
President-Elect, Municipal Finance Officers
Association
Member, AML Revenue Sharing Committee
Member, State Manpower Services Council

P.O. Box 1267
Fairbanks, Alaska 99707
452-4761

Robert S. Juettner
McGrath City Administrator

P.O. Box 57
McGrath, Alaska 99627
524-3825

Ronald Larson
Mayor, Matanuska-Susitna Borough
Chairman, AML Legislative Committee

Box B
Palmer, Alaska 99645
745-4801

John Messenger
Preston, Thorgrimson, Ellis Holman & Fletcher
AML Associate Member
Expertise in Bonding and Finance
Former Commissioner of Revenue

420 "L" Street
Suite 404
Anchorage, Alaska 99501
276-1969

Gene Moore
Manager, City of Kotzebue
Member, AML Legislative Committee

P.O. Box 186
Kotzebue, Alaska 99752
442-3401

George Navarre
Former Chairman, Kenai Peninsula Borough

Box 580
Kenai, Alaska 99611
283-7535

* Jim Nordale
Attorney, Fairbanks North Star Borough
Member, AML Legislative Committee

P.O. Box 1267
Fairbanks, Alaska 99707
452-4761

Joyce Rasler
Manager, City of Wrangell
Member, AML Legislative Committee
Former Clerk, City of Wrangell

P.O. Box 531
Wrangell, Alaska 99929
874-2381

Andrew Sarisky
Attorney, Kenai Peninsula Borough

Box 850
Soldotna, Alaska 99669
262-4441

Barbara Shaffer
Council Member, City of Nome
Member, AML Legislative Committee

P.O. Box 907
Nome, Alaska 99762
443-2900

Jo Anne Shanley
Clerk, City of Seward

P.O. Box 337
Seward, Alaska 99664
224-5216

Gerald Lee Sharp
Attorney, City and Borough of Juneau
Member, AML Legislative Committee
Former Member, Greater Juneau Borough Assembly

Donna Sherby
Clerk, City of Cordova

* Allan E. Tesche
Attorney, Matanuska-Susitna Borough

Russell W. Walker
Attorney, Ketchikan Gateway Borough
Attorney, City of Ketchikan

Michael Walleri
Local Government Specialist
Tanana Chiefs Conference, Inc.

155 South Seward
Juneau, Alaska 99801
586-3300

P.O. Box 1210
Cordova, Alaska 99574
424-3237

Box B
Palmer, Alaska 99645
745-3246

Box 7300
Ketchikan, Alaska 99901
225-3111 # 327

Doyon Building
1st and Hall Streets
Fairbanks, Alaska 99701
452-8251

* Nominees specifically for working group.

Juneau
MUNICIPAL

League

TELEPHONES
907) 586-1325
586-6526

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

The following information was phoned into the League office:

Richard Careaga - Planner, City of Unalaska
P.O. Box 89
Unalaska, Alaska 99685
581-1251

Eight years planning experience:
In Unalaska since February 1, 1980, establishing planning department.

Masters Degree - Regional Planning

Member - American Planning Association
Member - American Institute of Certified Planners

Represents a First Class City in an Unorganized Borough

Municipality of Anchorage



POUCH 6-850

ANCHORAGE, ALASKA 99502

(907) 264-4545

GEORGE M. SULLIVAN,
MAYOR

OFFICE OF THE MUNICIPAL ATTORNEY

July 9, 1980

Ms. Ginny Chitwood
Executive Director
Alaska Municipal League
204 North Franklin
Juneau, Alaska 99801

Re: Title 29 Revision Committee

Dear Ms. Chitwood:

In reference to the announcement from the Alaska Municipal League concerning nominees for a policy committee to study proposed changes in Alaska Title 29, I would like to submit my name for consideration as a member of the committee. I believe that you are already familiar with my background in municipal law. However, for the benefit of other members of the selection team, I would like to offer a brief synopsis. I have been engaged in the practice of municipal law in Alaska for over four years. I am currently serving as Municipal Attorney for the Municipality of Anchorage, and have held my present position for approximately two and one-half years. As Municipal Attorney, I have been involved in all phases of municipal law, and have served as past president of the Alaska Municipal Attorney's Association. Additionally, I have spent considerable time during two past legislative sessions as a lobbyist for the Municipality. Included among my duties was substantial responsibility for drafting state legislation on behalf of the Municipality of Anchorage. A further description of my academic background and other credentials could be provided upon request.

I believe that I am quite familiar with the provisions of the present AS Title 29 with respect to both home rule and general law of municipalities in Alaska. Although I believe the present code is quite adequate in many respects, I'm sure that others share my concern over many ambiguities in the present law involving such critical aspects of municipal government as service area functions, distinctions between home rule and non-home rule powers, and a variety of other concerns. I have been assured by Mayor Sullivan that he has no objection to my making the necessary time available to serve as a member of the committee.

**Municipality
of
Anchorage**



ANCHORAGE, ALASKA 99502
(907) 264-4545

GEORGE M. SULLIVAN,
MAYOR

OFFICE OF THE MUNICIPAL ATTORNEY

July 9, 1980

Ms. Ginny Chitwood
Executive Director
Alaska Municipal League
204 North Franklin
Juneau, Alaska 99801

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